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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23.534A	1510

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
SAJOUS, WESNER	
ART UNIT	**PAPER NUMBER**
2676	17

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,082	CAVALLERANO ET AL.	
	Examiner	Art Unit	
	Wesner Sajous	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,21-24,26 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5-7,11,12,16-18,21 and 23* is/are allowed.

6)☒ Claim(s) *1-4,8-10,13-15,22,24,26 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

REMARKS

This communication is responsive to the response dated January 15, 2004. Claims 1-18, 21-24, and 26-27 are presented for examination.

Response to Arguments

The Applicant arguments with regards to claims 1, 3-4, 8, 10, 13-15, 22, 24 and 26-27 have been fully considered but are moot in view of the new ground of rejections.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 8, 10, 13-15, 22, 24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tovinkere et al. (US Pat. 6678635).

Considering claim 1, Tovinkere discloses a device for receiving a video and/or audio signal (*see col. 3, lines 9-21*) comprises an input (110, fig. 1) that [inherently] receives the video and/or audio signal (note that since item 110 is connected to a multimedia stream, it serves as the input to receive audio/video signals, see col. 3, lines 9-21 and col. 6, lines 48-62); and a user interface (*120, fig. 1 or 1530 of fig.15*) that receives a user input (via item 110 or 1540) identifying an event to be detected (see col. 3, lines 5-8); a detector (120, fig. 1 or item 1530/1510 of fig. 15) that analyzes the incoming video and/or audio signal of at least one program to detect the identified event (see col. 3, lines 30-37); and a selector (240-260 of fig. 2) for automatically (or dynamically), upon detection of the identified event, providing to a display (*e.g., 1540)* the program containing the event (see col. 5, lines 4-14, and col. 9, lines 56-67). The Applicant should duly note that the multimedia stream or video stream suggested in col. 3, lines 12-17 may relate to a plurality of video programming.

The invention of claim 3 contains features that are analogous to the limitations recited in claim 1. As such, the limitations of the limitations of claim 3 are rejected under the same rationale as claim 1. Particularly, Tovinkere discloses a speech-recognize device (120, fig. 1 or 1510/1530 of fig. 15) that analyzes the audio signal of at

least one program to detect the identified audio event in the program. See col. 3, lines 22-29.

Re claim 4, Barton discloses a text recognition device (120) that scans the video information for text, and the user interface (1540, fig. 15) includes a device, which [inherently] enables the user to enter as the event to be detected specific text. It is noted that since end user 1540 is capable to enable a user to enter queried event data to be detected (see col. 9, lines 56-67), text data must be associated with the queried events. See also col. 11, lines 22-23, and col. 1, lines 43-44.

Method claim 8 recites features substantially the same as device claim 1. It is, therefore, rejected under the same rationale.

Claim 10 is rejected for reason similar to claim 4.

Claim 13 is a computer-executable process included on a computer-readable medium performing the method of claim 8 or 1, it is rejected for the same reason and rationale set forth for claim 8 or claim 1.

The invention of claim 14 recites features equivalent to and performing the same functions as claim 3, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 3.

Claim 15 contains features that are analogous to claim 4, it is therefore, similarly rejected.

As per claim 22, it is noted that the features recited in the claim are analogous to the limitations recited in claim 1. Claim 22 is therefore, rejected under the same reason and rationale set forth for claim 1.

The invention of claim 24, including the processor (106) and memory (104) is noted to contain limitations that are analogous to the limitations recited in claim 13, it is rejected under the same rationale as claim 13.

The invention of claim 26 contains features that are analogous to the limitations recited in claim 14 and, it is, therefore, rejected under the same reason and rationale as claim 14.

Apparatus claim 27 recites features that substantially perform the same method as device claim 24; it is, therefore, similarly rejected, for the detected event can be outputted as text (i.e., as teletext data).

3. Claims 1, 3-4, 8, 10, 13-15, 22, 24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffberg (US Pat. 6640145).

Considering claim 1, discloses a device for receiving a video and/or audio signal comprises an input that [inherently] receives the video and/or audio signal; and a user interface that receives a user input identifying an event to be detected; a detector that analyzes the incoming video and/or audio signal of at least one program to detect the identified event; and a selector for automatically, upon detection of the identified event, providing to a display the program containing the event. See col. 75, lines 21-50.

Claims 3, 8, 13, 14, 22, 24, 26 and 27 contain features that are analogous to the limitations recited in claim 1. This being the case, the limitations recited in claims 3, 8, 13, 14, 22, 24, 26 and 27 are rejected under the same rationale as claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tovinkere in view of Nishikawa (US Pat. 6348932).

Re claims 2 and 9, Tovinkere discloses most claimed features of the invention as applied to claim 1, but he fails to teach a PIP device that displays program containing a detected event.

Nishikawa teaches a PIP device (569, fig. 9) that displays program containing a detected event (e.g., item 580). See col. 12, lines 15-21.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Tovinkere to include the PIP device as taught by Nishikawa, in order to provide a reduced frame size video of a detected event or program, while a main program is displayed.

Allowable Subject Matter

6. Claims 5-7, 11-12, 16-18, 21, 23 are allowed because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT

coefficient patterns, and a delay step to delay the program having detected text so that display of the program captures the text.

Conclusion

Any response to this action should be mailed to :

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or faxed to:
(703) 872-9314, (**for Technology Center 2600 only**)

0r:
(703) 308-5399 (for informal or draft communications, please label "PROPOSED"
or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on alternate Fridays.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

WS

3/24/2004